

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MARSHA A. CLAY,)	
)	
Plaintiff,)	10 C 2953
)	
vs.)	Honorable Judge
)	Matthew F. Kennelly
D/S WILLIAM WOODS, #3471)	
UNKNOWN COOK COUNTY SHERIFFS,)	Magistrate Judge Denlow
TOM DART, as Sheriff of Cook County, and)	
COOK COUNTY, DEPUTY MICHAEL)	
QUINAN, #5200,)	
)	
Defendants.)	

DEFENDANTS ANSWER TO PLAINTIFF'S COMPLAINT

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343.

ANSWER: Defendants admit the allegations of Paragraph 1.

2. On or about May 28, 2008 at approximately 11:00 a.m. plaintiff was present in the municipality of Chicago, in the County of Cook, State of Illinois, at the Circuit Court of Cook County 26th and California when defendant violated plaintiff's civil rights as follows: used excessive force, failed to intervene to protect plaintiff from violation of plaintiff's civil rights by one or more other defendants; failed to provide plaintiff with needed medical care.

ANSWER: Defendants deny the allegations in paragraph 2.

3. Plaintiff was standing in front of window to courtroom 302. Defendant Woods grabbed plaintiff from behind and threw her with great force to the floor. Defendant then placed his body onto plaintiff's right knee, then dragged plaintiff by her legs through the courtroom, into lockup

and onto the elevator and other deputy stood by and they did not do anything to help me it took them over 1102 hours to take me to the hospital.

Plaintiff suffered great bodily harm specifically a displaced right lateral tibial plateau fracture requiring surgery.

ANSWER: Defendants deny the allegations in paragraph 3.

JURY DEMAND

Defendant demands a trial by jury.

AFFIRMATIVE DEFENSES

Defendant, Sherriff of Cook County and William Woods by their attorney ANITA ALVAREZ, State's Attorney of Cook County, by and through Mary E. McClellan, Assistant State's Attorney, states the following Affirmative Defenses:

1. The Defendant's conduct was at all times objectively reasonable and did not violate any of Plaintiff's clearly established Constitutional rights. Accordingly, the Defendant is entitled to the defense of qualified immunity.

WHEREFORE, SHERIFF OF COOK COUNTY AND WILLIAM WOODS respectfully requests judgment in their favor and against Plaintiffs, request that Plaintiffs take nothing, that the SHERIFF OF COOK COUNTY is awarded all fees and costs incurred in defending this claim wrongfully brought, and for all such other relief the Court deems appropriate.

Respectfully submitted,

ANITA ALVAREZ

State's Attorney of Cook County

By: s/Mary E. McClellan
Mary E. McClellan

Mary E. McClellan

Assistant State's Attorney
500 Richard J. Daley Center
Chicago, Illinois 60602
(312) 603-3374
#6283486